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SUBJECT: GROWING CRITICISM IN FRANCE ON GM SAFEGUARD

REF: (A) 2008 PARIS 00078 (B) PARIS 4731

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¶11. (U) Summary : France's decision to initiate the safeguard clause against Mon 810 (Reftel A), has been widely criticized by a growing number of scientists, parliamentarians and farm organizations as lacking scientific basis. A number of press articles have echoed their criticisms that the GOF's decision was politically motivated rather than scientifically justified. End summary

¶12. As reported (Ref A), immediately after the president of the interim high authority on GMOs (a senator) announced that there were "serious doubts" about MON 810 and that new facts demonstrating "negative effects" had been discovered, 12 of the 15 scientists on the authority refuted this statement. These scientists represent a wide range of disciplines including genetics, molecular biology, toxicology, population genetics, genetic therapy, epidemiology, agronomy, entomology, microbiology, veterinary sciences, biomedical research, and statistics. Additionally, an economist and a lawyer on the authority's social and ethical committee signed the petition. The petition also lamented the lack of time the authority was given to perform its inquiry on MON 810.

¶13. (SBU) In a meeting with Emboffs, two of the scientists who signed the petition complained that while they were not at liberty to divulge the details of the proceedings, they were not given adequate time to prepare their recommendations or review the final wording of the report. (The authority's first meeting took place in mid-December and the report was released on January 9.) They also complained that in communicating to the public, the president of the authority selected certain phrases in the report to present an unbalanced picture of its contents. It also became clear that the report took some scientific findings out of context. For example, the report cites the work of Dr. Messean (2006) in arguing that it is impossible to avoid pollen drift on a local scale (i.e. in a region with many small farms). Upon questioning by Emboffs, Dr. Messean said that what his report had concluded was that it was impossible to ensure a zero threshold for pollen drift (as required for organic production in France), but possible to ensure that the EC threshold of 0.9 percent could be met. The toxicologist Emboffs queried emphasized that new positive evidence had come to light regarding mycotoxins. (This finding did not receive wide publicity.)

¶14. (U) The French Association for Scientific Information (AFIS) was one of the first organizations to criticize the GOF decision. AFIS

is an organization of dozens of world-renowned French scientists that aims to promote legitimate scientific discourse (as opposed to pseudo-science). After examining the authority's opinion and having had contact with several scientists who participated in the meetings of the Committee, AFIS publicly announced that it had concluded that that none of the arguments brought forward in the report could be considered new or severe, thereby justifying the activation of a safeguard clause. (AFIS was also behind the petition signed by 300 scientists supporting biotech and discouraging the GOF from invoking the precautionary principle on MON 810 reftel B.)

**¶15.** (U) Eminent members of the French Academies of Science, Technology and Agriculture published an open letter, in the daily *Le Figaro*, on 11 January 2008. Excerpt : "[...] We are astonished to see how little the work of scientists in the domain of GMOs is taken into account. Let's remember that before any authorization for cultivation of a GMO, each product is subject to a thorough evaluation on a case by case basis, on a national level as well as on a European one. [...] How to explain to the French people, that it's now proposed, without adding any new, well-founded and reasonable scientific elements, to ban this product today - which was initially authorized by all the review bodies appointed by the government - and how to convince the people to have confidence, tomorrow and in the future, in the arguments brought forward by such future authorities?".

**¶16.** (U) After the public outcry of the President of the National Assembly, Bernard Accoyer in the weekly "*Le Journal du Dimanche*" (reftel A), other parliamentarians from both the majority and opposition parties openly criticized the GOF decision. Socialist député Jean-Yves le Deaut said that "The potential decision to invoke the safeguard clause is not a credit to politics. The provisional authority has been exploited to allow the majority party to succeed in the municipal elections. In fact, the President of the

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Republic was relying on an opinion that was not validated by the provisional authority [...] Neither the terms "serious risks" nor "negative effects" have been used in the opinion sent to the members (of parliament). [...] In fact, the allegedly new scientific publications have only confirmed what was already known [...]." Senator Jean Bizet, who is the rapporteur for the biotech coexistence law in the Senate, also expressed opposition to the use of the safeguard clause, saying it was not scientifically founded and that it would put France in "a ridiculous position at the EU level".

**¶17.** (U) According to the press, State Secretary for Ecology Nathalie Kosciusko-Morizet had to face a very hostile group of majority party parliamentarians. Deputies were worried that such safeguard decision could weaken France's competitiveness in agricultural and food trade. They were also furious that the executive branch had bypassed the legislative branch.

**¶18.** The French Corn Growers Association (AGPM) denounced the arguments of the French interim High authority's report as being scientifically unjustified. They specifically provided arguments on the following issues

- Pollen dissemination : corn pollen is one of the heaviest grain pollens : 98 percent of corn pollens falls within 4 meters of the plant. The remaining 2 percent flows further because dehydratation makes the pollen lighter. All but a few of these pollens are non viable. All European studies in Spain, Czech Republic, Italy and Germany have shown that good cultural practices and buffer zones allow neighboring crops to come in below the EU contamination threshold of 0.9 percent.

- resistance in target insects : AGPM highlighted that insects gaining resistance to BT mentioned in the studies are not pests affecting corn and are not found in mainland France.

- possible impacts on non-target fauna and flora: even if some studies show that the BT molecule can be found in soil and water, all studies show that its impact is less harmful than that of traditional pesticides. Studies also show that no impact was found on pollinating bees fed with BT corn pollen.

**¶19.** AGPM also noted that all the studies mentioned in the report had

been reviewed by experts at both the French Food Safety Authority (AFSSA) and by its European counterpart (EFSSA). None of those agencies used those reports to revert their positive approval of MON810. On the other hand, AGPM noted that the Interim High Authority did not expand upon the benefits of cultivation of MON810 regarding the lower level of mycotoxins, such as fumonisin, which are scientifically proven to cause cancer in mammals.

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